

First Published in the Wichita Eagle on January 27, 2012

RESOLUTION NO. 12-019

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON CAMDEN CHASE, FROM THE WEST LINE OF 159TH STREET EAST TO THE SOUTHWEST CORNER OF LOT 6, BLOCK 3; AND PAVING FLUTTER COURT FROM THE EAST LINE OF FLUTTER LANE FOR APPROXIMATELY 325 FEET SERVING LOTS 14 THROUGH 22, BLOCK 1 (NORTH OF 21ST, WEST OF 159TH ST. EAST) 472-84999 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF AUTHORIZING CONSTRUCTING PAVEMENT ON CAMDEN CHASE, FROM THE WEST LINE OF 159TH STREET EAST TO THE SOUTHWEST CORNER OF LOT 6, BLOCK 3; AND PAVING FLUTTER COURT FROM THE EAST LINE OF FLUTTER LANE FOR APPROXIMATELY 325 FEET SERVING LOTS 14 THROUGH 22, BLOCK 1 (NORTH OF 21ST, WEST OF 159TH ST. EAST) 472-84999 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That Resolution No. 11-168 adopted on July 12, 2011 is hereby rescinded.

SECTION 2. That it is necessary and in the public interest to authorize constructing pavement on Camden Chase, from the west line of 159th Street East to the southwest corner of Lot 6, Block 3; and paving Flutter Court from the east line of Flutter Lane for approximately 325 feet serving Lots 14 through 22, Block 1 (north of 21st, west of 159th St. East) 472-84999. Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 3. That the cost of said improvements provided for in Section 2 hereof is estimated to be Two Hundred Thirty-Six Thousand Dollars (\$236,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after May 1, 2011, exclusive of the costs of temporary financing.

SECTION 4. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

MONARCH LANDING THIRD ADDITION

Lot 14, Block 1, Except East 4.64 ft; Lot 15, Block 1 together with East 4.64 ft of Lot 14, Block 1, and together with West 7.86 ft of Lot 16, Block 1, Lot 16, Block 1, Except West 7.86 ft, together with West 20.36 ft of Lot 17, Block 1; Lot 17 Block 1, Except West 20.36 ft, together with Reserve "C", Except South 140.86 ft; Lot 18, Block 1, together with South 140.86 ft of Reserve "C", Lot 19, Block 1, together with East 19.50 ft of Lot 20, Block 1; Lot 20, Block 1, Except East 19.50 ft together with Lot 21, Block 1, Except West 26.50 ft; Lot 22, Block 1 together with West 26.50 ft of Lot 21, Block 1;
Lots 9 through 13, Block 2
Lots 1 through 6, Block 3

SECTION 5. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis.

That the method of assessment of all costs of the improvement for which the

improvement district shall be liable shall be on a fractional basis: Lot 14, Block 1, Except East 4.64 ft; Lot 15, Block 1 together with East 4.64 ft of Lot 14, Block 1, and together with West 7.86 ft of Lot 16, Block 1, Lot 16, Block 1, Except West 7.86 ft, together with West 20.36 ft of Lot 17, Block 1; Lot 17 Block 1, Except West 20.36 ft, together with Reserve "C", Except South 140.86 ft; Lot 18, Block 1, together with South 140.86 ft of Reserve "C", Lot 19, Block 1, together with East 19.50 ft of Lot 20, Block 1; Lot 20, Block 1, Except East 19.50 ft together with Lot 21, Block 1, Except West 26.50 ft; Lot 22, Block 1 together with West 26.50 ft of Lot 21, Block 1; Lots 9 through 13, Block 2 and Lots 1 through 6, Block 3, MONARCH LANDING THIRD ADDITION shall each pay 1/19 of the total cost payable by the improvement district.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot or tract is or may be divided into two or more parcels, the assessment to the lot or tract so divided shall be assessed to each ownership or parcel on a square foot basis. Except when driveways are requested to serve a particular tract, lot or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

SECTION 6. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 7. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 8. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 9. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 10. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 24th day of January, 2012.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

GARY E. REBENSTORF, DIRECTOR OF LAW